

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Blychert et al.
Serial No. : 10/564,229
Filed : January 10, 2006
For : Solid Composition Comprising a Proton Pump Inhibitor
Examiner : Nissa M. Westerberg
Group Art Unit : 1618

I hereby certify that this paper is being
transmitted via the Electronic Filing System
to the U.S. Patent and Trademark Office on
the date indicated below.

/Andrew Fessak/ April 27, 2009
Signature Date

Mail Stop Amendment
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit this communication in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. Favorable consideration of the documents cited on the attached Form PTO/SB/08A is respectfully requested.

On January 27, 2006, Applicants filed an Information Disclosure Statement ("IDS") and Form PTO/SB/08A disclosing four U.S. patent and seven published PCT patent applications.

On page 2 of their IDS transmittal, Applicants stated that they were not providing copies of U.S. patent and published patent applications in accordance with the revised submission policy published in the PTO Official Gazette of August 5, 2003. Consequently, Applicants submitted copies of only the seven published PCT patent applications cited on Form PTO/SB/08A.

The PTO acknowledged receipt of Applicants' IDS and copies of the seven citations by stamping Applicants' return receipt postcard. A copy of the stamped return postcard is attached to this communication.

In the Office Action issued on November 20, 2008, the Examiner included an initialed copy of Applicants' Form PTO/SB/08A. The Examiner made a notation on the Form stating that "[a]s no copies were provided, these [PCT] documents were considered to the extent they were discussed in the Written Opinion of the International Searching Authority". However, the allegation that no copies were provided is incorrect, as evidenced by the PTO's date stamp on Applicants' return postcard. These documents likely became detached from the IDS in the PTO's mailroom and were lost.

In order to ensure the Examiner's full and complete consideration of these documents, Applicants are re-submitting copies of the allegedly unsubmitted documents. Applicants are not providing a duplicate copy of one of the earlier-disclosed documents, WO 94/25070, as the Examiner has identified this publication on Form PTO-892 which was attached to the Office Action dated November 20, 2008.

In addition to the identified foreign patent documents A-F, Applicants are also disclosing the non-patent literature document identified as Cite No. G.

Applicants request that the Examiner consider the documents cited on attached Form PTO/SB/08A, initial the Form to confirm such consideration, and return a copy of the initialed Form with the next Office Action.

Time of Transmittal of Information Disclosure Statement

This Information Disclosure Statement is being filed under 37 C.F.R. §1.97(c)(2) after issuance of a non-final Office Action on the merits. Please charge the required fee of \$180 (Fee Code 1806) to Deposit Account No. 23-1703.

Dated: April 27, 2009

Respectfully submitted,

/Andrew Fessak/
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WHITE & CASE LLP
PATENT DEPARTMENT

FEB 06 2006

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Date: 1 / 27 / 06
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Kindly acknowledge receipt of the accompanying:

Atty. Docket 1103326-
Serial No. 0902
10/564,229

- ☐ Maintenance Fee Transmittal and Check for \$ _____
- ☐ Response to Official Action _____
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☒ Information Disclosure Statement, PTO - 1449 and 7 references
- ☐ Claim priority and certified copies of _____ priority applications
- ☐ Issue fee transmittal and Check for \$ _____
- ☐ Other (specify) _____

3 Rec'd PCT/PTO 27 JAN 2006

by placing your receiving date stamp hereon and mailing or returning to deliver.

Atty Andrew Fessak

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37 CFR 1.8 ☒
37 CFR 1.10 ☐
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